



Ohio Administrative Code

Rule 4734-4-11 Motions.

Effective: August 12, 2002

(A) Except as otherwise provided in this chapter or Chapter 119. of the Revised Code, all motions, unless made upon the record at the hearing, shall be made in writing. A written motion shall state with particularity the relief or order sought, shall be accompanied by a memorandum setting forth the grounds therefore, and shall be filed in compliance with this chapter. A proposed entry may accompany any motion. All motions except for motions for continuance and those motions filed subsequent to the close of the hearing shall be filed with the board no later than fourteen days before the date of hearing, unless express exception is granted by the hearing officer, presiding board member, or by this chapter. All motions and briefs shall contain the name, address, telephone number, and if available the facsimile number and electronic mail address of the person submitting the motion or brief and shall be appropriately captioned to indicate the name of the respondent and the board's case number.

(B) All motions, together with supporting documentation, if any, shall be served as follows:

(1) Any motion to be served on a representative of record may be served personally, by fax, by electronic mail, by United States mail, or other delivery service. Service shall be made upon the representative as identified in this chapter. Service is complete on the date of transmittal, date of mailing, or on personal service of the document.

(2) A motion shall be considered by the hearing officer or presiding board member only if a certificate of service appears on it. Any signed statement is an acceptable certificate of service so long as it contains all of the following information:

(a) Date of service;

(b) Method by which service was made;

(c) Address where service was made;



(d) Name of the person or authority who was served; and

(e) The signature of the representative of record.

All motions and briefs shall contain the name, address, and telephone number of the person submitting the motion or brief and shall be appropriately captioned to indicate the name of the respondent.

(C) Within ten days after service of a written prehearing motion, or such other time as is fixed by the hearing officer or presiding board member, a response to that motion may be filed. A movant may reply to a response only with the permission of the hearing officer or presiding board member.

(D) Before ruling upon a written motion, the hearing officer or presiding board member shall consider all memoranda and supporting documents filed. The hearing officer or presiding board member may enter a written ruling and shall issue copies to the representatives of record. In the alternative, the hearing officer or presiding board member may issue a ruling on the motion on the record at the hearing. The ruling on all oral motions made at hearing shall be included in the record, except where the hearing officer or presiding board member elects to take the motion under advisement and the hearing officer or presiding board member may issue a written ruling at a later time. The hearing officer or presiding board member shall include in each written ruling on a motion a statement of the reasons therefore.

(E) Upon motion by any representative of record, the hearing officer or presiding board member may consolidate two or more hearings into a single hearing. If different hearing officers or presiding board members are assigned to the hearings, the board president shall rule on the motion and determine which hearing officer or presiding board member will preside.

(F) Petitions to intervene shall not be permitted. However, with leave of the hearing officer or presiding board member, an interested party may file a brief on a case within ten days of an administrative hearing for the hearing officer's, presiding board member's and board's consideration.

(G) Except as otherwise provided in this chapter or Chapter 119. of the Revised Code, rulings on all



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substantive motions filed subsequent to the issuance of the report and recommendation shall be rendered by the board, and rulings on all procedural motions may be rendered by the president acting on its behalf.